

REMARKS

The Applicants request consideration and allowance of claims 2, 3, 7-9 and 12-19 in view of the above amendments and following arguments.

I. CLAIM AMENDMENTS

Each of the independent claims in the case, claims 16, 18, and 19, are amended above to clarify the nature of the game play records stored in the matched card set. In particular, each of the independent claims is amended above to require that each game play record includes a result indicator which indicates the result of the match between the respective bingo card representation and the set of bingo game designations. These limitations regarding the result indicators are described in the original disclosure at page 15, line 19 to page 16, line 3 and thus do not represent new matter.

II. THE CLAIMS ARE PATENTABLE OVER THE PRIOR ART OF RECORD IN THE CASE

The Final Office Action rejected claims 2, 3, 7-9, and 12-19 under 35 U.S.C. §103(a) as being unpatentable over pages printed from the website www.bingomania.net (“Bingomania” or the “Bingomania reference”), in view of U.S. Patent No. 5,830,069 to Soltesz et al. (“Soltesz” or the “Soltesz patent”) and further in view of Official Notice regarding regulatory requirements for record keeping in gaming systems citing U.S. Patent No. 4,948,138 to Pease et al. (“Pease” or the “Pease patent”). The Applicants respectfully submit that claims 2, 3, 7-9, and 12-19 are not obvious over Bingomania in view of Soltesz and the Official Notice because the proposed

1 combination of references does not teach or suggest each element required by the claims, and
2 because there is no teaching, suggestion, or motivation to modify the references as suggested in
3 the Final Office Action.

4

5 Independent Claim 16

6 Independent claim 16 is directed to a gaming system for conducting bingo-type games
7 and requires the following limitations:

8 (a) a player station;
9 (b) a user interface included with the player station, the user interface for (i) enabling
10 a player using the player station to enter a game play request for a play in a bingo-
11 type game to initiate a game play request communication from the player station,
12 and for (ii) enabling the player to enter an automatic daub input for the play in the
13 bingo-type game as a separate input after entry of the game play request;
14 (c) a data storage device for storing a matched card set, the matched card set
15 including a number of game play records, each game play record including a
16 respective bingo card representation and a result indicator indicating a result
17 of a match between the respective bingo card representation and a set of
18 game designations;
19 (d) a back office system connected for communication with the player station
20 and also connected for communication with the data storage device, the back
21 office system for assigning a respective game play record from the matched
22 card set to the player station in response to receiving the game play request
23 communication; and
24 (e) an automatic daub control for applying the set of game designations in response to
25 the automatic daub input to automatically daub the respective bingo card
26 representation associated with the respective game play record assigned to the
27 player station. (Emphasis added)

28 In rejecting claim 16 under Section 103, the Final Office Action takes Official Notice that
29 “gaming operators are required to keep records of every play in order to be able to reconstruct
30 games of chance in the event of customer disputes” (Final Office Action, p. 4, lines 1-2). Based
31 on this observation, the Final Office Action finds that “[I]t would have been obvious to one of
32 ordinary skill in the art at the time of the invention to have modified BingoMania & Soltesz in

1 view of Official Notice to include keeping records of all game play in order to meet the
2 requirement of gaming regulations and to resolve customer complaints" (Final Office Action, p.
3 4, lines 6-9).

4 However, claim 16 does not merely require structure for keeping records of all game play.
5 Element (d) of claim 16 requires "**a back office system connected for communication with the**
6 **player station and also connected for communication with the data storage device, the back**
7 **office system for assigning a respective game play record from the matched card set to the**
8 **player station in response to receiving the game play request communication.**" This
9 assigned game play record includes not only a bingo card representation, but also a result
10 indicator indicating a result for the match between the bingo card representation and the set of
11 game designations. The mere proposition that gaming operators must keep records of game play
12 as indicated in the Official Notice, does not in any way teach or suggest assigning stored game
13 play records to a player station in response to a game play request as required in the claim. Thus,
14 element (d) of claim 16 is simply missing from the proposed combination of BingoMania,
15 Soltesz, and the Official Notice. Claim 16 thus cannot be obvious in view of the proposed
16 combination.

17 The Final Office Action proposes certain modifications to the combination of
18 Bingomania, Soltesz, and the Official Notice in an effort to show the limitations required by
19 claim 16. At lines 10-15 of page 4, the Final Office Action makes the following statement to
20 support the combination of references.

21 With respect to the separate input to allow players to request automatic
22 daubing, Examiner notes that this would have been well within [sic] the capability
23 of one of ordinary skill and would increase player convenience by [sic] It would
24 have been obvious to one of ordinary skill in the art at the time of the invention to

1 have modified BingoMania & Soltesz to include a separate input to allow players
2 to request automatic daubing in order to allow a player to choose auto-daubing
3 when a player had two bingo cards.

4 However, a finding that the claimed invention is within the capability of one skilled in the art is
5 not sufficient to establish a *prima facie* case of obviousness absent some teaching, suggestion, or
6 motivation in the prior art to make the combination. (See MPEP §2143.01(IV); *Al-Site Corp. v.*
7 *VSI int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999)).

8 Because the proposed combination of Bingomania, Soltesz, and the Official Notice does
9 not teach or suggest at least elements (c) and (d) of claim 16, and because there is no proper
10 teaching, suggestion, or motivation from the prior art to make the proposed combination, the
11 Applicants submit that claim 16 is not obvious in view of the proposed combination and is
12 entitled to allowance together with its dependent claims, claims 2, 3, and 17.

13

14 Independent Claims 18 and 19

15 Independent claims 18 and 19 require limitations similar to those of claim 16 regarding
16 an automatic daub input that is a separate input after entry of a game play request, and regarding
17 assigning a game play record from a matched card set in response to receiving a game play
18 request communication. Therefore, the arguments presented above with respect to claim 16
19 apply with equal force to claims 18 and 19 along with their respective dependent claims. For
20 these reasons, the Applicants submit that independent claims 18 and 19 along with their
21 respective dependent claims, claims 7 through 9 and 12 through 15, respectively, are not obvious
22 over Bingomania, Soltesz, and the Official Notice.

III. CONCLUSION

For all of these reasons, the Applicants request consideration and allowance of claims 2, 3, 7-9 and 12-19. If the Examiner should feel that any issue remains as to the allowability of these claims, or that a conference might expedite allowance of the claims, he is asked to telephone the Applicants' undersigned attorney at the number listed below prior to issuing a further action.

Respectfully submitted,

The Culbertson Group, P.C.

Date: 20 Oct 2006

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